

UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: William A. Welsh
Serial No.: 10/685,215
Filed: October 14, 2003
Group Art Unit: 3682
Examiner: Johnson, Vicky A.
Title: ACTIVE FORCE GENERATION SYSTEM FOR MINIMIZING VIBRATION IN A ROTATING SYSTEM

PRE-APPEAL BRIEF REQUEST

Dear Sir:

In response to the final office action mailed on 19 January 2007, Appellant respectfully submits a Pre-Appeal Brief Request for review. This request is filed with a Notice of Appeal.

Claims 22 and 25-27 remain rejected under 35U.S.C. §102(b) as being anticipated by *Ueda* (JP 61164109). The Examiner has maintained the rejection.

ARGUMENT

No Translation (Examiner Relies Upon Abstract)

Ueda is in Japanese. The Examiner is apparently relying only upon the abstract as no English translation of the underlying document has been provided. Without a translation of the underlying document, the exceedingly minimal abstract prevents Appellant the opportunity to further refute the Examiner's contention. Furthermore, the exceedingly minimal abstract prevents an objective evaluation of what the Examiner purports it describes.

Title of Reference

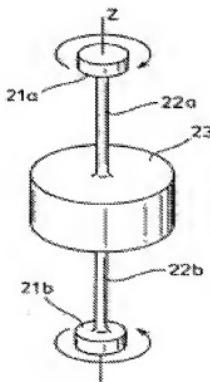
The title of *Ueda* alone, VIBRATION TYPE ANGULAR VELOCITY METER, suggests that *Ueda* is not concerned with vibration isolation but only measurement thereof. In fact, the Examiner's assertion that elements 21a and 21b are independently rotatable masses simply

cannot be determined by the English abstract as these elements are not even mentioned therein. This alone is fatal to the Examiner's rejection.

Figure 6

The Examiner's reference to Figure 6 is also in no way dispositive as it appears from Figure 6 (reproduced below) that the elements 21a and 21b are *affixed* to respective shafts 22a and 22b which are affixed to element 23. They are simply not independently rotatable masses.

第 6 図



That is, the interface between 22a and 23 does not show any structure which provides rotation but looks to be a solid interface. A solid interface is consistent with the title of the reference. This is actually a more supportable assertion than the Examiner's as we do know that *Ueda* discloses a *vibrator 20* rather than a rotating system as argued by the Examiner.

Appellant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 19-2189 in the name of Sikorsky Aircraft Corporation for any additional fees or credit the account for any overpayment.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

/David L. Wisz/

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Dated: October 1, 2007

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 67008-156PUS1; S-5691
CERTIFICATE OF FACSIMILE I hereby certify that this Pre-Appeal Brief Request For Review and Notice of Appeal are being facsimile transmitted to (571) 273-8300. <u>on October 1, 2007</u> <u>Signature /Lindsey C. Fortney/</u> Typed or printed <u>Lindsey C. Fortney</u> name <u></u>		Application Number 10/685,215 Filed 10/14/2003 First Named Inventor William A. Welsh Art Unit 3682 Examiner Johnson, Vicky A.
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.		
This request is being filed with a notice of appeal.		
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.		
I am the <input type="checkbox"/> applicant/inventor <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/66) <input checked="" type="checkbox"/> attorney or agent of record. <u>46,350</u> Registration number <u></u>		<u>/David L. Wisz/</u> Signature <u>David L. Wisz</u> Typed or printed name <u>248-988-8360</u> Telephone number <u>October 1, 2007</u> Date
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.		
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.		

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.